

DEPARTMENT OF PLANNING & LAND MANAGEMENT

Waterside Commons PRD
1651-1657 Main Street

Revised Report Date: June 8, 2020
Prepared by: Elizabeth Hughes, Town Planner

GENERAL INFORMATION

Owner/Applicant:	Dan Gainsboro Now Communities, LLC 336 Baker Avenue, Suite 2-4, Box 25 Concord, MA 01742
Requested Action:	Recommendation to the Board of Appeals for a Special Permit to develop a 14-unit Planned Residential Development pursuant to ZBL Section 10 (PRD) and Section 11.6 (Special Permit)
Location & Project Site Size:	The Project Site (Site) is comprised of 3 abutting lots totaling 4.66 acres. The Site runs from Main Street to the Assabet River and slopes gently in a southerly direction from the road to the River.
Zoning/Existing Land Use:	The Site is located in the Residence C Zoning District with areas within the Wetlands and Flood Plain Conservancy District. There are two existing residential buildings on the Site, one of which is currently a converted barn structure (1657) and the other is a single-family home (1651)).
Surrounding Land Uses/Zoning:	To the north, west and east is existing residential properties, including Riverwalk PRD (east) and Westvale Meadow PRD (west). To the south is the Assabet River. All of the properties are within the Residence C District.
Utilities:	Town water, sewer, and electric, as well as gas service is available from Main Street.

I. Proposed Project

The Project consists of the removal of both existing structures and the construction of ten (10) new detached cottage homes and two (2) duplex buildings for a total of fourteen (14) homes. There will be six 3-bedroom detached dwellings and four 2-bedroom detached dwellings. Each duplex building will contain two 1-bedroom homes. The unit sizes range from 850 square feet to 2,310 sf. The development consisting of a maximum of 30 bedrooms in total.

The Applicant states that the smaller, clustered homes, organized around a common green, emulate a small community, which is designed as a "walkable" neighborhood, exemplifying the ideals of smart growth, sustainability, and energy efficient building design. The dwelling units will have a variety of energy saving and 'green' features:

- High performance building envelopes
- Super-insulated wall and roof assemblies
- High Performance, triple glazed windows
- Ultra-high efficiency HVAC systems
- Water harvesting systems where possible
- Solar-ready roof orientations
- Extensive use of reclaimed/ recycled material

- Fully renewable energy systems
- Low or no VOC paints, sealants and adhesives
- Follow NAHB Green Home Guidelines and be Energy Star Rated
- Net zero potential homes

The Applicant is proposing that two of the units be deed restricted as affordable dwellings; one low income unit at 80% Area Medium Income (AMI), which would be added to the Town's Subsidized Housing Inventory (Chapter 40B 10%) and the other moderate income unit at 150% AMI.

Two (2) car barns will provide parking for each home; one space will be allocated to every home. Additionally, both car barns will be equipped with electric car charging stations. Sixteen surface parking spaces will provide for additional parking. Access to Site is off Main Street, approximately opposite Old Stow Road and will be a shared drive with the Concord Riverwalk residential project to the east. The existing drive to Concord Riverwalk will be improved to form the entrance drive for both the existing homes of Concord Riverwalk and the proposed Project. The drive for both residential developments is configured as a single entry so, all parking and vehicular traffic will be central to the site. ~~The Applicant is also proposing a shared emergency access and additional parking spaces to the west with the Westvale Meadow residential development.~~ The Site will also share a trash and recycling location with their easterly abutters at Riverwalk. The project will provide a variety of shared common elements for their residents including: a community house for social activities, functions and guest stays; community gardens, and; nature trails.

The Applicant is proposing to connect to Town water to serve all of the homes. A portion of the homes will connect to Town sewer for a total of 1,980 gallons per day (gpd) and the remaining portion of the homes will connect to an on-site sewage disposal system for a total of 1,320 gpd. As part of the project, the Applicant is proposing to loop the Waterside Commons and Westvale Meadows' water services.

The project is designed to maintain the natural surroundings and control runoff and stormwater with Low Impact Development (LID) design strategies. The stormwater management system includes roof drywells for roof runoff, stone treatment trenches, sediment forebays, and infiltration basins.

Wetlands on-site have been delineated by a certified Wetlands Biologist and the site has already received an Order of Resource Area Delineation. No construction activity is proposed within jurisdictional resource areas or flood zones.

The Project is based on the premise of a walkable, easily accessible neighborhood where the primary owners typically own only one vehicle and tend toward the use of alternative transportation. The Applicant estimates a net gain of no more than 99.4 vehicle trips per day (based on conventional, single-family homes (10 homes) and townhomes (4 homes)). A sight distance analysis was performed which shows the westbound travel direction stopping sight distance is 362 feet; eastbound stopping sight distance is 326 feet at the proposed driveway. The Applicant's engineer believes these distances are adequate for design speeds of 45 miles per hour and 42 miles per hour respectively based on AASHTO standards. The speed limit posted for the westbound direction is 25 miles per hour and it is 30 miles per hour in the eastbound direction.

II. Staff Comments

A. Police Department

The Community Safety Officer does not have any significant issues or concerns with the proposed project, but will have specific recommendations regarding site construction and coordination to ensure adequate safety measures are in place for the existing Riverwalk residents, pedestrians along the Main Street sidewalk and construction vehicles existing and entering the Site from Main Street.

B. Fire Department

In a March 24, 2020 letter, the Fire Prevention Officer raises issues and concerns with the addressing of the dwelling units, the name of the development and the current addressing for the existing Riverwalk development. He also raises concerns with the emergency access roads and requests verification of adequate emergency vehicular access through the entire development (i.e., including the proposed junction via the Westvale Meadows residential development).

If the Applicant is not able to meet all of the recommended conditions regarding Fire Department Access Roads, the Fire Department will consider alternatives to allow additional fire protection features, up to and including the installation of approved fire sprinkler systems in all newly constructed buildings, additional fire hydrants, or similar devices or systems.

The Department strongly favors an approved emergency vehicular access junction via the Westvale Meadows residential development, adding signage identifying the Fire Department Access Road, and a curb cut at the top of the Riverwalk emergency access road to provide adequate vehicular turning, as well as physical identification of the road to facilitate proper maintenance (clearing of snow).

The Fire Department letters recommends additional conditions of approval should the Planning Board recommend granting of the Special Permit.

In a June 3, 2020 letter, the Assistant Fire Chief states that the Applicant will need to work closely with the Fire Department to place proper signage on Main St. and at the entrance to both developments, which conforms to the requirements of both the Town of Concord's House Numbering Bylaw and Massachusetts General Law Ch. 148, Sec. 59, as well as adequate signage within the development identifying Fire Department Access Roads (per 527 CMR 1.00: 18.2.3.5) and submission of 241 Construction Fire Safety Plan and a COVID-19 Safety Plan. He also raises concerns with the existing emergency access road between Riverwalk and the proposed project. He clarified further to the Town Planner that the existing emergency access road needs to be extended further to be adequate for both developments and that this could be addressed as a condition of approval.

C. CPW – Engineering Division

In an April 8, 2020 letter, the Assistant Town Engineer raises issues and concerns with the removal of the existing septic system, authorization from the abutters regarding use of the existing driveway, clarification on the proposed improvements of the existing driveway and the existing 10% slope, the maintenance plan for the emergency access areas, the proposed Emergency Access Driveway from Westvale Meadows, Inc. exceed 12% slope, which creates issues with emergency vehicle access, adequate easements for the Westvale Meadows emergency access, site lighting, soil testing being witnessed by a Town representative, snow storage areas and various questions regarding the stormwater drainage.

In a June 3, 2020 letter, the Assistant Town Engineer notes that the Applicant has addressed most of the previous issues and concerns with the revised plans. He does comment that the proposed parking along Main Street and a fire hydrant located in a proposed snow storage area will not be permitted. Other minor outstanding comments can be addressed as conditions of approval.

D. CPW – Water & Sewer Division

In an April 6, 2020 letter, the Water-Sewer Engineer notes that the proposed water and sewer service connections indicated in the application narrative, and shown on the plan set, do not meet the requirements of the Water and Sewer Use Rules and Regulations, and the Water and Sewer Design and Construction Standards. Further the proposed connections shown on the plan set raise policy implications that must be further reviewed in more detail before any approvals can be considered by the Water/Sewer Division. The Water-Sewer Engineer raises issues and concerns regarding sewer eligibility, the sewer service connection, wastewater capacity, common water main design and constructability.

In a June 2, 2020 letter, the Water-Sewer Engineer notes an administrative approval for the sewer connection can be given as long as the total flow increase is not more than 2,000 GPD and that anything over that will require an appeal to the Public Works Commission. Additionally, further information regarding the fire suppression system must be provided so that the Water/Sewer Division can be assured that there are no cross connection or water quality concerns. She clarified to the Town Planner that these items can be addressed with appropriate conditions of approval. However, she noted that the Applicant needs to provide revised plans to Water-Sewer Division prior to approval by the Zoning Board of Appeal showing the use of a common water service for the proposed development that is connected to the municipal water main in Main Street.

E. Concord Municipal Light Plant

In an April 13, 2020 letter, the CMLP Engineer raises the following issues and concerns:

1. The existing underground electric and communication facilities located at the Concord Riverwalk development along its western border with the proposed PRD need to be added to the site plans. The existing Concord Riverwalk recycling and trash area should also be added including the retaining wall and fence. These items may be in conflict with the proposed driveway and need to be addressed.
2. The site plans for the new PRD notes the location of the proposed soil absorption system, as the proposed electric and communication lines and equipment cannot be located in these areas it will be difficult to design a comprehensive electric and communication distribution system. The plans also note snow removal areas and the trash collection area. At a minimum a utility location must be set aside for electric and communication equipment which will include but not limited to an electric padmount distribution transformer and must be within 5 to 10 ft from the driveway for utility truck accessibility.
3. During the design stage the following items should be taken into consideration: solar, electric vehicles, and for both pavilion parking locations, will these be electrically metered from a common meter, additional meters for each subsequent owner, or will they be electrical serviced from the main unit panels.

The CMLP Engineer has stated that there are a few minor plans modifications that are needed, but they can be addressed through standard conditions of approval.

F. Building Inspections Division

In an April 3, 2020 letter, the Building Commissioner notes the following issues and concerns:

1. The Applicant shall provide information that shows that all new proposed dwellings will not exceed the 35 feet maximum allowed height for a structure in Residence C.
2. The Applicant needs to provide exterior lighting cut-sheets showing all exterior fixtures are in compliance with Zoning Bylaw Section 7.7.3.11.
3. The plans shall comply with 521 CMR Architectural Access Board's rules and regulations for public walkways.
4. The two lots will need to be combined into 1 lot.

The Building Commissioner has stated that he has reviewed the revised plans and the Applicant has addressed all previous comments. He has no new additional issues or concerns with this project and recommends standard conditions of approval.

G. Health Division

In an April 13, 2020 letter, the Public Health Director provided three comments regarding the design of the proposed on-site sewage disposal system that will serve the dwellings.

1. There will be 11 buildings in total. Five homes (2 duplex homes and 3 court homes) with a total of 18 bedrooms and a sewage design flow of 1,980 gpd will be served by municipal sewer. Six (6) buildings will be served by a septic system; the bedroom count and design flow for these buildings is not specified in the plans. All units will be in a condominium form of ownership.
2. The space available for the septic system is highly constrained due to the number of units, significant competition for space for underground utilities, topography, wetlands and groundwater elevation, and other site constraints.
3. The plans submitted with the application do not show sufficient detail to determine if the on-site sewage disposal system can be designed in complete conformance with 310 CMR 15.00, The State Environmental Code, Title 5, and Concord Board of Health regulations. A full septic design plan will be needed before further design review can be done.

The Applicant has provided revised on-site sewage disposal plans for review by the Health Division. However, there has not been sufficient time to review and comment on the plans.

H. Natural Resources Division

In an April 20, 2020 letter, the Natural Resources Director notes that the NRC will review the project at their May 6, 2020. She does offer the following comments:

1. The NRC has confirmed the wetland resource area boundaries under an Order of Resource Area Delineation (ORAD) issued on April 20, 2018 (DEP File #137-1428).
2. All proposed development has been sited outside wetland resource area boundaries, with the exception of proposed turf lawn within the 100-year floodplain in Open Space Parcel A. Native plantings for this turf lawn area are recommended.
3. The Applicant is proposing to set aside 2.99 acres, or 71% of the site, as common open space available to PRD residents and the public (Open Space Parcel A). The application states that the common open space will be owned by the Waterside Commons Condominium Association, with

a restriction placed on the premises for park and conservation purposes. The restriction should include the ability to connect to trails on the adjacent parcels. In addition, the restriction should be bounded with permanent boundary markers at all changes on course to ensure that the limits of the open space are clearly defined.

The Natural Resources Director has stated that the Natural Resources Commission has recommended approval of the proposed project.

I. Planning Division

The Town Planner did not bring up items already noted above by other Town staff and provides the following additional items for discussion by the Board:

1. The Site Development Plans should grey-out the existing conditions for ease of reading.
2. The development of the site will be subject to the Tree Protection Bylaw. The Plans should show the trees greater than 6" DPH within the required Residence C setbacks that are proposed to be removed so that any required mitigation can be incorporated into the landscape plan.
3. The Plans shows dashed rectangles in various locations that are not labeled.
4. The application states that a portion of the homes will connect to Town sewer for a total of 1,980 gallons per day (gpd) and the remaining portion of the homes will connect to an on-site sewage disposal system for a total of 1,320 gpd. This calculates to a total number of 30 bedrooms, but the unit and bedroom mix has the potential for 34 bedrooms. Additionally, this is not consistent with the Health Director's comments on the total flow to the on-site system.
5. The plans do not show the location of a centralized mailbox area.
6. The plans do not show any screening of the trash collection area.

The Applicant has addressed all of the previous comments in the revised plan. The Town Planner does not have any further issues or concerns and recommends standard conditions of approval for a PRD.

III. Zoning Bylaw Review

Section 10 Planned Residential Development

10.1 Purpose - The Planned Residential Development allows by special permit from the Board [of Appeals] an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters that are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area. The overall site design and amenities should enhance the quality of living for the residents of the development, the immediate neighborhood and the Town generally. Attention, however, shall be given by the Board as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.

The Planning Board is required to prepare a recommendation to the ZBA on the issues raised in the purpose of the PRD section above. The Planning Board should focus its review on the proposed design and the requirements of the PRD Zoning Bylaw, which are delineated below. The Planning Board should determine whether the proposed development is “harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area” and “is suitable development for the neighborhood” or in what ways the design might be modified to better meet the purpose and criteria for a PRD.

10.2 Standards

10.2.1 Minimum Tract Size: Planned Residential Developments shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or recorded plan, which has an area of not less than four (4) times the minimum lot area of the zoning district within which it is situated (Residence C: Ten thousand (10,000) square feet).

The Site is 205,685± square feet and meets the requirements of the Residence C Zoning District.

10.2.2 Maximum Permissible Density: Maximum permissible density within a PRD tract shall not exceed two times the total number of dwelling units obtained through application of subsection 10.2.2.1 (basic density) in all residential districts and in the Business district. In no case shall that portion of a PRD which lies outside the Flood Plain and Wetlands Conservancy districts contain less than five thousand (5,000) square feet of upland area for each dwelling unit.

Two times the basic density is $2 \times 12 = 24$ units maximum. The Applicant is proposing 14 units.

10.2.2.1 Basic density: The basic density of the PRD shall not exceed the number of units obtained by applying the following calculation:

The number of dwelling units obtained by dividing the sum of (1) the area of the tract exclusive of land situated within the Flood Plain or Wetlands Conservancy districts, and (2) twenty-five percent (25%) of the area of land situated within the Flood Plain or Wetlands Conservancy districts by the minimum lot size permitted in the zoning district(s) within which the tract is located.

Zone C: Total Tract: 205,685± square feet

Wetlands and Flood Plain Conservancy District: 119,690± square feet

$$\frac{(205,685 - 119,690) + [(.25)(119,690)]}{10,000} = 11.59 = 12 \text{ Units (rounds down per 10.2.2.2)}$$

10.2.3 Diversity of Dwelling Units: A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity shall consist of the following mix:

- (a) the number of bedrooms available;*
- (b) the price or rental rates of the units; and*
- (c) two of the three styles of units: single-family, two-family or multi-family.*

If all the units proposed in the Planned Residential Development are market-rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development may be authorized by the Board only if at least ten percent (10%) of the units are made

available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.

The Project consists of the removal of both existing structures and the construction of ten (10) new detached cottage homes and two (2) duplex buildings for a total of fourteen (14) homes. There will be six 3-bedroom detached dwellings and four 2-bedroom detached dwellings. Each duplex building will contain two 1-bedroom homes. The unit sizes range from 850 square feet to 2,310 sf. The development consisting of a maximum of 30 bedrooms in total.

The Applicant is proposing a total of 14 units; two units more than the Basic Density of 12 units. As required under subsection 10.2.3.1, the Applicant is proposing one unit be deed restricted at 80% AMI. The second unit is to be deed restricted pursuant to subsection 10.2.3.2(b) at 150% AMI.

The Applicant states that the anticipated sale price is \$500,000 to \$750,000 or more for the twelve market rate units. The most recent sale of a Riverwalk unit in 2019 was \$800,000.

10.2.3.1 Low income dwelling units: *Those units made available to the Concord Housing Authority, or other entity as the Board may direct, either for purchase within the cost limits allowed by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or for lease under federal or state rental-assistance programs, or through a long-term contractual agreement; which can be counted toward the DHCD's Subsidized Housing Inventory.*

The Applicant proposes to make one (1) dwelling unit available to the Concord Housing Authority, or other entity as the Town may direct.

10.2.3.3 Unit size: *A variety of units shall be provided within the PRD, which may include dwelling units of one, two, three or more bedrooms; with a minimum gross floor area of not less than four-hundred (400) square feet.*

The cottages will contain two (2) and three (3) bedrooms. Each duplex building will contain two 1-bedroom homes. The unit sizes range from 850 square feet to 2,310 sf. There will be six 3-bedroom homes, four 2-bedroom homes and four 1-bedroom homes in the duplexes with the development consisting of a maximum of 30 bedrooms in total.

Unit Number	Dwelling Style	# of Bedrooms	Total Gross Square Footage
#1, #3, #4, & 8 to 12 (8 units)	Cottage Type A	2 or 3	2,160 to 2,310 s.f. (includes attached garage or finished basement)
#2 & 5 (2 units)	Cottage Type B	2	2,085 s.f.
#6A & 7A (2 units)	Flat Type A	1	967 s.f.
#6B & 7B (2 units)	Flat Type B	1	850 s.f.

10.2.3.4 Exterior design: *The exterior of low income and affordable dwelling units shall be designed to be indistinguishable from the market-rate units; however it is recognized that these units may be smaller and have fewer features than market-rate units. Any low income units and affordable units proposed shall be integrated into the PRD development.*

The Applicant states that the affordable units have been designed to be indistinguishable from the similar market rate units. The Planning Board should discuss with the Applicant which of the two units will be the affordable units.

10.2.3.5 Long-term availability: *The Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the Board may direct.*

The affordable units will be required to be in perpetuity and the low income unit will be counted towards the Town's Subsidized Housing Inventory.

10.2.4.1 Permitted Uses: *Single family detached and semi-detached dwellings, two-family dwellings, and multi-unit dwellings of all types without regard to dwelling unit configuration or form of ownership; however, no multi-unit dwelling shall contain more than eight (8) dwellings units. No more than eighty percent (80%) of the dwelling units within the PRD shall be in buildings of the same type.*

For the 14 total units, there are four styles of homes proposed- Cottage A, Cottage B, Flat A, and Flat B. The most prevalent proposed is Cottage A, at 8 of the 14 units. The eight (8) Cottage A style dwellings will be below the 80% (57.1 %) maximum allowable for buildings of the same type within a PRD.

10.2.5 Lot Area, Frontage and Yard Requirements: *There shall be no minimum lot area, frontage or yard requirements within a PRD. However, no building shall be erected within twenty (20) feet of a public way or boundary line of the PRD in the Residence C and B districts, and within thirty (30) feet in the Residence A and AA districts.*

The proposed project meets the 20-foot setback requirements for the Residence C Zoning District.

10.2.6 Access to the Tract: *Access to the tract shall be provided from an existing public or private way and shall be through the existing frontage on such public or private way.*

Access to the Site is proposed through the existing private way from the adjacent Riverwalk development.

10.2.7 Height: *The maximum permitted height of any structure within a PRD shall be 35 ft.*

The architectural elevation for Flat Type B unit shows a height of 38 feet. As noted by the Building Commissioner, the Applicant should provide a height analysis measured from the base elevation to the peak of the roof. The base elevation is the average of the elevations of the ground where the two lowest corners of the lowest foundation wall meet the ground where the new building is to be placed, prior to any grading or mounding.

10.2.8 Area of Residential Development: *The area developed for residential use, including buildings, parking and other areas paved for vehicular use, shall not exceed fifty (50) percent of the total area of the PRD tract. Foot and bicycle paths and recreational facilities, including buildings wholly devoted to recreation, shall not be counted in calculating the fifty-percent limitation.*

The Applicant states that the area developed for residential use which consists of the dwellings, access driveway, sidewalk, individual driveways, walks and patios is approximately 60,145 square feet.

$$(60,145 \text{ s.f.} / 205,685 \text{ s.f.}) \times 100 = 29.2\%$$

10.2.9 Common Open Space: *All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The area of the common open space shall equal at least twenty-five (25) percent of the total area of the PRD tract. At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Wetlands Protection Act and the Town's Wetlands Bylaw).*

Open Space must equal at least twenty five percent (25%) of Total PRD Area with at least 50% of the area is upland:

$$(205,685 \text{ s.f.} \times 0.25) = 51,421 \text{ s.f.}$$

$$(51,421 \text{ s.f.} \times .50) = 25,711 \text{ s.f.}$$

The Applicant has stated the 145,540 s.f. of Total Common Open Space with 25,850 s.f. of upland area.

10.2.9.1 The common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Planned Residential Development. In determining whether the intent of this section has been satisfied, the Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:

- (a) Land abutting the Concord, Assabet or Sudbury Rivers, their tributaries, Elm Brook, or ponds of significant public interest, which enhance or protect wetlands or flood plain, or which provide public access to the water body, or which enhance or provide significant scenic vistas or views, or which provide water- related recreational opportunities;*

The Site does abut the Assabet River and the Applicant states that public access will be provided.

- (b) Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;*

The Site is not currently in agricultural use. The Applicant is proposing a small community garden for the residents of the PRD.

- (c) Land which provides a significant wildlife habitat or which is a unique natural area;*

A significant portion of the proposed common open space land is adjacent to the Assabet River that connects to other permanently protected unique natural areas along the River.

- (d) Land which provides recharge to Concord's current or future municipal wells and highly favored aquifer areas;*

The proposed common open space is not a recharge area to Concord's current or future municipal wells and highly favored aquifer areas.

- (e) *Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;*

The proposed common open space does not include any active recreational uses given its location in the floodplain and proximately to the Assabet River, which is a designated Wild and Scenic River.

- (f) *Land which preserves existing trail networks or land on which new trails will be developed as part of the PRD for integration into an existing trail network;*

The Applicant is proposing a trail across the proposed common open space at the rear of the property to the Assabet River, which has the potential to connect to a larger trail network along the River.

- (g) *Land which enhances scenic views;*

The proposed common open space is land which enhances the scenic views to the Assabet River.

- (h) *Land providing desirable public access to existing Town or State recreational or conservation land.*

The proposed common open space will provide desirable public access to existing permanently protected conservation land on both sides of the Site.

10.2.9.2 Provision shall be made so that the common open space shall be readily accessible to at least all of the owners and occupants of the units in the Planned Residential Development, and owned by:

- (a) *a membership corporation, trust or association whose members are all the owners and occupants of the units;*
(b) *by the Town; or*
(c) *otherwise as the Board may direct.*

The Applicant is proposing that the common open space easement will be readily accessible for the enjoyment of all unit owners and the public. The open space easement will be owned by the condominium association. The condominium documents will ensure that the unit owners and the public have readily accessible access.

10.2.9.3 In all cases, a perpetual restriction of the type described in G.L. c. 184, sec. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the common open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Such restriction shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the common open space as the Board may deem appropriate.

The Applicant is proposing a perpetual conservation restriction will be provided of the type described in G.L. c. 184, sec 31, which shall run with the land, and that the common open space easement be retained in perpetuity for park and conservation use and uses as shown on the plan.

10.2.10 Limitation of Subdivision: No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the plan.

A note to this effect shall be included on the Record Plan.

10.4.1.1 Development Statement - A written statement meeting the requirements of a Site Evaluation statement under the Subdivision Rules and Regulations by the Planning Board, as applicable:

a) *Impact of the project upon surface and groundwater quality and level;*

The Applicant states that there will be no impact upon the surface quality or groundwater quality due to the proposed PRD. The proposed drainage system includes roof drywells, sediment fore bays, and infiltration basins. The bottom of infiltration areas and Title 5 septic system meet the recommended offsets to groundwater and recommended setbacks to surface water. With due diligence during construction, the Applicant should not cause an impact to the surface or groundwater quality. ~~Questions have been raised by Public Works Engineering regarding the stormwater drainage system that should be addressed to ensure there are no impacts upon surface and groundwater quality and level.~~

In a June 3, 2020 letter, the Assistant Town Engineer notes that the Applicant has addressed most of the previous issues and concerns with the revised plans. He does comment that the proposed parking along Main Street and a fire hydrant located in a proposed snow storage area will not be permitted. Other minor outstanding comments can be addressed as conditions of approval.

b) *Effects upon important wildlife habitats, outstanding botanical features, scenic or historic sites or buildings;*

The Applicant states that the location of the dwellings will protect a significant portion of the property along the wetlands and Assabet River located on the southern part of the site. No proposed work is within any wetland or river jurisdictional area. The Historical Commission has reviewed both properties under the Demolition Review Bylaw in November and found both existing structures Historically Significant and Preferably Preserved and place a one year delay on the demolition to October 7, 2020. During the public hearing the Commission did express their disappointment that neither building was being preserved and incorporated into the proposed development.

c) *Capability of soils, vegetative cover, and proposed erosion control measures to support proposed development without erosion, silting or other instability;*

The Applicant states that the on-site soils are well drained sands with percolation rates below two minutes per inch and that all proposed disturbed areas within the limit of work will receive six inches of loam and seeded to improve upon the sites capability to prevent against erosion and siltation. A Stormwater Pollution Prevention Plan has been prepared to ensure construction phase stability and permanent vegetation will provide long term stabilization. ~~Questions have been raised by Public Works Engineering regarding the stormwater drainage system that should be addressed to ensure the system is adequate.~~

In a June 3, 2020 letter, the Assistant Town Engineer notes that the Applicant has addressed most of the previous issues and concerns with the revised plans. He does comment that the proposed parking along Main Street and a fire hydrant located in a proposed snow storage area will not be permitted. Other minor outstanding comments can be addressed as conditions of approval.

d) Estimated increase of peak run-off caused by altered surface conditions, and methods to be used to return water to the ground;

The Applicant states that stormwater calculations submitted with the application indicate that, with the proposed drainage design, there will be no increase in peak runoff due to development. The methods used to return water to the ground include infiltration basins and roof drywells. The calculations show that recharge of groundwater meets predevelopment condition. ~~Questions have been raised by Public Works Engineering regarding the stormwater drainage system that should be addressed to ensure the system is adequate.~~

In a June 3, 2020 letter, the Assistant Town Engineer notes that the Applicant has addressed most of the previous issues and concerns with the revised plans. He does comment that the proposed parking along Main Street and a fire hydrant located in a proposed snow storage area will not be permitted. Other minor outstanding comments can be addressed as conditions of approval.

e) Description of proposed alterations of wetlands or flood plain areas;

The Applicant is not proposing any alterations of wetlands or floodplain areas.

f) A report estimating the traffic flow at peak periods in relation to existing traffic on the streets in and adjacent to the subdivision, and the effect of the project on the public services such as water, sewer, schools, police, fire, waste disposal, and recreational facilities;

The Applicant's engineer utilized the ITE Trip Generation standards for computing the traffic flow for the proposed project, although notes that the project is significantly smaller than the typical sample used for the ITE data. ITE sampling utilizes an average number of dwelling units of 198, while the proposed project is only 14 units of 1, 2 and 3 bedroom homes. It is estimated that weekday traffic is expected to generate no more than 119 vehicle trip ends per day, or 100 vehicle trip ends per day increase over existing conditions. Peak hour morning rate increase is 7.92 vehicles and peak hour evening is anticipated at 10.24 vehicles. There will be a modest increase in demand on public services based on twelve additional dwelling units for water, schools, police, fire, and recreational facilities. Water use increase is approximately 2,640 gallons per day based on Title 5 flows (increase of 24 bedrooms).

The Water-Sewer Engineer has raised issues and concerns regarding sewer eligibility, the sewer service connection, wastewater capacity, common water main design and constructability that need to be addressed to determine the impact on Town water and sewer.

In a June 2, 2020 letter, the Water-Sewer Engineer notes an administrative approval for the sewer connection can be given as long as the total flow increase is not more than 2,000 GPD and that anything over that will require an appeal to the Public Works Commission. Additionally, further information regarding the fire suppression system must be provided so that the Water/Sewer Division can be assured that there are no cross connection or water quality concerns. She clarified to the Town Planner that these items can be addressed with appropriate conditions of approval. However, she noted that the Applicant needs to provide revised plans to Water-Sewer Division prior to approval by the Zoning Board of Appeal showing the use of a common water service for the proposed development that is connected to the municipal water main in Main Street.

g) A summary tabulation of the total area being developed, the total area of all lots, the total area dedicated for streets and drainage or utilities, and the total area reserved for recreation, parks or other open land;

The Applicant has stated the following:

Buildings, drives & common area	60,145 s.f. = 29.2%
Common Open Space	145,540 s.f.= 70.8%
Total PRD Area =	205,685 s.f. = 100%

The Applicant should provide the total area of any exclusive use areas for each of the units and the total area dedicated for streets and drainage or utilities.

h) A projection of the direct, current Town costs and revenues associated with this development;

The Applicant states that the direct cost to the Town will be associated with the increase of twelve dwelling units within this site, but believes the project will have only a small impact on Town services and the school system because of the type and size of the units and the typical demographic for similar developments has been active singles and couples between the ages of 40 and 65. The Applicant believes that based on an anticipated sale price of \$500,000 to \$750,000 or more for the twelve new market rate homes would have an estimated total assessed valuation of approximately \$9,000,000. This project value calculates to approximately \$130,050 (at \$14.45/\$1000) of annual tax income. The Applicant will be providing additional information regarding the projection of the direct, current Town costs and revenues associated with this development on Monday, April 27th.

i) An analysis of the sight distances at the intersections of the proposed street(s) with any other street(s);

The Applicant's engineer has performed a sight distance analysis at the existing driveway location. In the westbound travel direction stopping sight distance is 362 feet; eastbound stopping sight distance is 326 feet. These distances are adequate for design speeds of 45 miles per hour and 42 miles per hour respectively based on AASHTO standards. The speed limit posted for the westbound direction is 25 miles per hour and it is 30 miles per hour in the eastbound direction. Therefore, stopping sight distances are adequate.

j) Impact of the development on any historical or cultural resources located within one hundred (100) feet of the proposed development as identified in the Survey of Historical and Architectural Resources and Historic Resources Master Plan;

The proposed project will not have an impact on any historical or cultural resources located within 100 feet.

k) Impact of the development on any open space or natural resources located within one hundred (100) feet of the proposed development as identified in the Town of Concord Open Space Plan.

The proposed project will not have an impact on any open space or natural resources located within 100 feet. The Applicant is proposing a perpetual conservation restriction on the common open space, which shall run with the land, and that the common open space easement be retained in perpetuity for park and conservation use and uses as shown on the plan. Additionally, the common open space connects to permanently protected land on both side of the Site. This is a benefit of the project.

10.4.1.2 Development plans - The Applicant has submitted full Development Plans that include site plans, building elevations, floor plans, and landscape plans.

10.4.1.3 Low income and affordable dwelling unit marketing program - The Applicant will be required to work with the Town's Regional Housing Services Office to develop a marketing plan that includes eligibility and preferences for the affordable unit and proposed methods of ensuring long-term availability for the affordable dwelling units. The affordable units will be priced at 80% AMI and 150% AMI.

10.4.2 Planning Board Report and Recommendations: The Planning Board shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the technical quality of the proposed development, and at least the following:

10.4.2.1 General descriptions of the natural terrain of the PRD tract and surrounding areas, and of the neighborhood in which the tract is situated.

The Site is 4.66 acres, which includes three lots running from Main Street to the Assabet River. The site's topography ranges from elevation 156 ft. at Main Street to elevation 120 ft. at the River's edge. It is vegetated with dense understory and numerous stands of mature trees, including groves of Sugar maples, Oak and Ash. The site includes wetlands, and is partly in the floodplain of the Assabet River. To the north, west and east is existing residential properties, including the adjacent Riverwalk PRD to the east and adjacent Westvale Meadow PRD to the west.

10.4.2.2 A review of the proposed development, including the design and use of buildings and of the open spaces between and around them, of pedestrian and vehicular circulation, of the location and capacity of parking, and of the provisions for grading, landscaping and screening.

The Planning Board should discuss the proposed development and whether it adequately addresses these issues or whether modifications are needed.

10.4.2.3 An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted by the Board.

The Planning Board should discuss whether the proposed project satisfactorily addresses these issues in a manner that supports the increased density.

10.4.2.4 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:

(a) Provides or will in the future provide an addition to areas of open space between developed sections of the Town; The Planning Board should discuss whether the proposed land intended to be available to the public satisfactorily provides open space between developed sections of Town.

(b) Makes available land desirable for future public use; or The Planning Board should discuss whether the proposed land intended to be available to the public would be desirable for public use.

(c) Conforms to the Town's long-range land use plan. The Comprehensive Long Range Plan talks about promoting cluster development that concentrates the impact of building on the land and leaves open space and wildlife corridors that meet a range of goals including land conservation, sustainability, and social connectivity. The Planning Board should discuss whether the size and shape of the land intended to be available to the public meets this goal.

10.4.2.5 Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is located.

The Planning Board should discuss with the Applicant these aspects of the project and provide guidance on whether they feel it constitutes a suitable development for the neighborhood.

10.4.2.6 Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

The Town Planner's recommendation to the Planning Board is noted below.

IV. Town Planner's Recommendation

The Town Planner believes that the Planning Board needs to complete its discussion with the Applicant from the April 28th meeting regarding the shape and character of the common open space, landscaping design, lighting, and signage. The Board should then discuss its recommendation pursuant to Section 10.4.2.

If the Board moves forward with a positive recommendation, the Town Planner believes that the Applicant can address the issue with the water service connection and review of the on-site sewage disposal plans prior to any action by the Zoning Board of Appeals and that all other comments raised by Town staff can be addressed as recommended conditions of approval.

The Board should inform the Zoning Board of Appeals of its position and then continue discussion to the June 23rd meeting to review its recommendation letter.